

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 95-1198-S - ORDER NO. 96-47 ✓
JANUARY 17, 1996

IN RE: Application of Midlands Utility, Inc.) ORDER DENYING
 for Approval of an Extension of the) WAIVER AND
 Service Area for Sewerage Service in) ESTABLISHING
 Lexington County.) PRE-FILING DATES
)

This matter comes before the Public Service Commission of South Carolina ("the Commission") on the request of Midlands Utility, Inc. ("Midlands" or "the Applicant") for a waiver of a hearing in the above referenced matter.

By Application filed with the Commission on October 16, 1995, Midlands requested Commission approval of an extension of its service area in Lexington County. The Commission's Executive Director instructed Midlands to publish a prepared Notice of Filing which indicated the nature of Midlands request and also indicated the manner and time in which an interested person should file appropriate pleadings for participation in the Docket. The Executive Director also instructed Midlands to notify its affected customers of the request for extension of service area. Midlands filed an Affidavit of Publication and an Affidavit of Mailing indicating that Midlands complied with the instructions of the Executive Director. Midlands also filed a Certificate of Service which reflected service of Midlands' Application on the South

Carolina Department of Health and Environmental Control (DHEC) as required by 26 S.C. Code Ann. R.103-504 (1976).

In its Application, Midlands requested a waiver of the hearing in this matter. The Commission Staff reports that the return date in the Notice of Filing has expired and that no opposition to Application has been received.

26 S.C. Code Ann. R.103-504 provides in relevant part as follows:

[n]o existing public utility supplying sewerage disposal to the public ... shall hereafter sell, acquire, begin the construction or operation of any utility system, or of any extension thereof, without first obtaining from the Commission a certificate ... that public convenience and necessity require or will require construction or operation of any utility system, or extension. Such certificate shall be granted only after the applicable information set forth in Subarticle 2, 103-510, et seq., has been filed, and after notice has been given to the Department of Health and Environmental Control and to other interested sewerage utilities, and to the public, and after due hearing.

Upon consideration of this matter, the Commission believes that the hearing in this matter as prescribed by the regulation should proceed. There has been no showing that compliance with the hearing requirement would produce unusual difficulty or hardship. See, 26 S.C. Code Ann. R.103-501(3). Therefore, the Commission will proceed with a hearing in this matter.

As a hearing in this matter will take place, prefiling deadlines must be established. Pursuant to 26 S.C. Code Ann. R.103-869(C)(Supp. 1995), the Commission hereby orders that twenty-five copies of the testimony and exhibits of the Applicant

shall be pre-filed on or before February 8, 1996. The Applicant shall serve its testimony and exhibits on any other parties of record as required by the Commission's Rules and Regulations. Any party requesting modification of this pre-file schedule must file a request for such modification with the Commission.

IT IS THEREFORE ORDERED THAT:

1. Midlands' request for a waiver of the hearing on its request for extension of service area is denied.
2. Staff is instructed to set this Application for hearing.
3. The Applicant shall pre-file its testimony and exhibits with the Commission and on all other parties of record on or before February 8, 1995.
4. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)